REMARKS

Claims 1-35 were pending. Claims 1, 12, 20, and 28-35 were rejected. Claims 2-11, 13-19, and 21-27 were objected to as being dependent on a rejected base claim but would be allowable. Claims 28-35 have been amended.

Response to Claim Rejection Under 35 USC § 101

Claims 28-35 were rejected under 35 USC § 101 as being directed to nonstatutory subject matter. Applicant respectfully traverses.

Applicant has amended claims 28-35 to more particularly point out the subject matter of the invention. No new matter has been added. Applicant respectfully submits that the claims as amended comply with 35 U.S.C. § 101 and requests that the Examiner's rejections on this ground be withdrawn.

Response to Claim Rejection Under 35 USC § 103(a)

Claims 1, 12, 20, and 28 were rejected as being unpatentable under 35 USC § 103(a) over Cabrera (U.S. Patent No. 6,757,794) in view of general knowledge. Applicant respectfully traverses.

The Examiner and the undersigned attorney had a telephone interview on August 8, 2006, during which they discussed claim 1 and Cabrera. The Examiner stated that claim 1 is patentable over Cabrera. The substance of the interview is set forth below.

Independent claim 1 recites a method comprising:

assigning a cache priority to each of a plurality of accessed item as a function of
    the item's size, retrieval cost and access frequency;
dynamically updating cache priorities as items are accessed; and
determining which items to store in the cache as a function of cache priority.

Claims 12, 20, and 28 recite similar language as in claim 1.

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The claimed invention determines which items to store in a cache based on the items' cache priorities. The claimed invention also "dynamically updat[es] cache priorities as items are accessed." In this way, the claimed invention maintains accurate and up-to-date cache priorities.

This aspect of the claimed invention is not disclosed in Cabrera. Cabrera discloses various considerations when deciding where various data sets should be stored, such as the size of data, the time of retrieval (i.e., the access time), and the frequency of access (1:48-54). Cabrera does not disclose, teach, or suggest storing cache priorities, let alone dynamically updating cache priorities as items are accessed. Therefore, Applicant respectfully submits that the Examiner failed to make a *prima facie* case because the element of "dynamically updating cache priorities as items are accessed" in the language of claims 1, 12, 20, and 28 is not disclosed in Cabrera.

Also, Cabrera's considerations are directed to storing data in a "hierarchical data storage environment," not in a cache as claimed. Further, Applicant traverses the Examiner's assertions regarding the disclosure of general knowledge and the existence of a motivation to combine Cabrera and general knowledge.

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Applicants respectfully submit that the pending claims are now allowable over the cited

art of record and request that the Examiner allow this case. The Examiner is invited to contact

the undersigned in order to advance the prosecution of this application.

Respectfully submitted,
ARNAUD HERVAS

Dated: ___8/21/06___   By: _____
Sabra-Anne R. Truesdale, Reg. No. 55,687
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7187
Fax: (650) 938-5200

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